

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

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JOHN KELLEY, *et al.*,

Plaintiffs,

v.

ALEX M. AZAR II, *et al.*,

Defendants.

Civil Action No. 4:20-cv-00283-O

**JOINT MOTION TO VACATE THIS COURT'S JUNE 30 ORDER  
AND TO STAY OTHER INITIAL ACTIVITY**

The parties jointly request that the Court vacate its June 30 Order Requiring Scheduling Conference and Report for Contents of Scheduling Order, ECF No. 13, until after resolution of Defendants' forthcoming motion to dismiss Plaintiffs' First Amended Complaint. The parties further jointly request that the Court stay other initial activity pending the Court's decision on Defendants' forthcoming motion to dismiss, including the Fed. R. Civ. P. 26(f) conference, the issuance of a scheduling order pursuant to Fed. R. Civ. P. 16(b), and initial disclosures pursuant to Fed. R. Civ. P. 26(a)(1).

Plaintiffs filed their Complaint on March 29, 2020. ECF No. 1. Defendants filed their Motion to Dismiss on June 29, 2020. ECF No. 12. On July 20, 2020, Plaintiffs filed a First Amended Complaint. ECF No. 14. Defendants anticipate filing a motion to dismiss in response to the First Amended Complaint. Under this Court's order of June 30, ECF No.

13, the parties are required to file a Joint Status Report pursuant to Fed. R. Civ. P. 16(b) and 26 by July 28.

The parties agree that good cause exists to stay the Court's June 30 order and the associated initial activities until Defendants' forthcoming motion to dismiss is resolved. The parties do not expect that discovery is necessary to decide Defendants' motion to dismiss, and resolution of Defendants' motion may render discovery unnecessary or serve to reduce the number and/or scope of pretrial discovery disputes. Formation of any discovery plan will be facilitated once the Court adjudicates Defendants' motion and Plaintiffs' anticipated opposition to it. And a scheduling order can be set more accurately in light of the posture of the case and necessary discovery following resolution of Defendants' motion.

For the reasons set forth above, the parties request that the Court vacate its June 30 order (ECF No. 13) and stay the Fed. R. Civ. P. 26(f) conference, the issuance of a scheduling order pursuant to Fed. R. Civ. P. 16(b), and initial disclosures pursuant to Fed. R. Civ. P. 26(a)(1).

Dated: July 24, 2020

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Respectfully submitted,

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Certificate of Conference

This is to certify that I have conferred with counsel for the other parties about the motion, and that the relief requested is unopposed by all parties.

/s/ Christopher M. Lynch  
Christopher M. Lynch  
Trial Attorney

Certificate of Service

On July 24, 2020, I electronically submitted the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. I hereby certify that I have served all parties who have appeared in the case electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ Christopher M. Lynch  
Christopher M. Lynch  
Trial Attorney